

## **Summary of the April 2008 Meeting of the Highly Migratory Species Advisory Panel**

July 2008  
Highly Migratory Species Management Division  
National Marine Fisheries Service  
Silver Spring, MD

This document is a summary of what was heard by the Agency at the April 2008 AP meeting in Silver Spring, MD.

This document is not meant to indicate any consensus by the AP or decisions by the Agency or to be a verbatim transcript. Unless specifically indicated, comments were **not** made by NMFS staff and do not represent the Agency's position on any issues. Copies of this document as well as all presentations made during the meeting are available upon request or on the Agency webpage (<http://www.nmfs.noaa.gov/sfa/hms>). Transcripts of the meeting will also be available on the same webpage.

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## **1.0 AGENDA**

### **Highly Migratory Species Advisory Panel Meeting April 15-17, 2008 Silver Spring, MD Agenda**

#### **Tuesday, April 15, 2008**

- 10:00 am*      *Informal Introduction to Highly Migratory Species Management (HMS)*
- 1:00 pm      Welcome and Introductions  
                 Welcome New AP members, Proxies & HMS staff  
                 Purpose and Goals of Meeting  
                 Ground rules
- 1:30 pm      Overview of HMS Actions for Last 6 Months
- 2:15 pm      Enforcement Update
- 3:00 pm      Break
- 3:15 pm      Shark Final Amendment 2 Presentation
- 4:00 pm      Group Discussion on Amendment 2
- 4:45 pm      Public Comment
- 5:15 pm      Adjourn

#### **Wednesday, April 16, 2007**

- 8:30 am      Magnuson-Stevens Fishery Conservation & Management Reauthorization Act Update
- 9:30 am      Pelagic Longline Research & Fishery Update
- 10:15 am      Break
- 10:30 am      Tuna Longline Permit/Workshop Proposed Rule Presentation
- 11:15 am      Permit Reform Presentation
- 12:00 pm      Lunch

1:30 pm	Permit Reform Breakout Session
2:30 pm	Permit Reform Report Back/Group Discussion
3:15 pm	Break
3:30 pm	International Trade Permit Proposed Rule Presentation
4:15 pm	Caribbean Amendment Presentation & Group Discussion
5:00 pm	Public Comment
5:15 pm	Adjourn

**Thursday, April 17, 2008**

8:30 am	Tuna Fishery Update
9:30 am	Greenstick/Harpoon/Turtle Tether Gear Proposed Rule Presentation
10:15 am	Break
10:30 am	HMS Management Closing Remarks– Looking Forward, Priorities, & Possible Next Meeting Dates
11:30 am	AP and Public Closing Remarks
12:00 pm	Adjourn

## 2.0 ADVISORY PANEL (AP) PARTICIPANTS APRIL 2008

Last Name	First Name	Affiliation
Augustine	Pat	Mid Atlantic Fishery Management Council
Beideman	Terri	Nelson R. Beideman Charitable Foundation
Belcher	Carolyn	Georgia Coastal Resources Division
Boustany	Andre, Dr.	Nicholas School of Environment & Earth Sciences
Coddington	Ronald	Southeast Swordfish Club
Delaney	Glenn	Independent Consultant
DePersia	Thomas	President, Stellwagen Bank Charter Boat Assoc.
McBride	Joe	Recreational Fishing Alliance, proxy for James Donofrio
Fisher	Myron	Different Drummer Charters
Fordham	Sonja	The Ocean Conservancy
Franks	Jim	Gulf Coast Research Lab, proxy for Phil Goodyear
Gerencer	William	Marine Trade Center
Gold	John, Dr.	Texas A&M University
Gregg	Lisa	Florida Fish and Wildlife Commission
Gregory	Randy	North Carolina Division of Marine Fisheries
Hemilright	Dewey	F/V Tar Baby
Hudson	Russell	Directed Shark Fisheries, Inc.
Hueter	Robert, Dr.	Center for Shark Research
Johnson	Gail	Pocahontas, Inc. F/V Seneca
Lingo	Mark	Texas Parks and Wildlife Department
Loefer	Josh	South Carolina Department of Natural Resources
Lyons Gromen	Pam	National Coalition for Marine Conservation, proxy for Ken Hinman
McKeon	Sean	North Carolina Fisheries Association
Merritt	Rita	South Atlantic Fishery Management Council
Miller	Shana	Tag-A-Giant Foundation
Montella	Vince	
Palmer	Tim	F/V Blue Baron, Swordfish Buoy Gear Association
Peel	Ellen	The Billfish Foundation
Pineiro-Soler	Eugenio	Caribbean Fishery Management Council
Ruais	Richard	East Coast Tuna Association and Blue Water Fishermen's Association
Sampson	Mark	Ocean City Charterboat Captains Association
Schratwieser	Jason	International Game Fish Association
Stone	Richard	National Marine Manufacturers Association
Vonderweidt	Chris	Atlantic States Marine Fisheries Commission
Weber	Rick	South Jersey Marina
Whitaker	Rom	Hatteras Harbor Charter Boats
Williams	James	Williams, Leininger & Cosby P.A.

Public/Staff Attending April 2008 HMS AP Meeting		
Last Name	First Name	Affiliation
Blankinship	Randy	NMFS
Brewster-Geisz	Karyl	NMFS
Campbell	Steve	NMFS
Cimo	Laura	NMFS
Clark	Mike	NMFS
Cockrell	Craig	NMFS
Desfosse	Joe	NMFS
Diaz	Guillermo	NMFS
Dobrzynski	Tanya	NMFS
Engelke-Ross	Meggan	NMFS
German	Chris	USCG
Ise	Jennifer	NMFS
Kiraly	Sari	NMFS
Lent	Rebecca	NMFS
Long	Kristy	NMFS
McHale	Brad	NMFS
McLaughlin	Sarah	NMFS
Murray-Brown	Mark	NMFS
Pearson	Rick	NMFS
Radonski	Jeff	NMFS
Reghi	John	NMFS
Rilling	Chris	NMFS
Rinaldo	Ron	Consultant
Risenhoover	Alan	NMFS
Rogers	Chris	NMFS
Salz	Ron	NMFS
Schroeder	Barbara	NMFS
Schulze-Haugen	Margo	NMFS
Silva	George	NMFS
Southward Hogan	LeAnn	NMFS
Stannard	Jeron	NMFS
Stephan	Dianne	NMFS
Walline	Megan	NMFS
Wilson	Jackie	NMFS

### **3.0 INTRODUCTION TO HIGHLY MIGRATORY SPECIES (HMS) MANAGEMENT**

**Margo Schulze-Haugen, Chief, HMS Management Division, presented an overview of the Division on: history of the Division, management overview, international compliance, domestic laws and requirements, HMS AP process compared with Regional Fishery Management Councils, summary of regulatory actions, HMS operational infrastructure, and expectations of the HMS AP. Comments from the AP included:**

- What is Aquilent?
- When you make a finding of no significant impact determination, does it take into account both the biological and economic environment?
- Once you make that determination, and you were requested to take action, does that allow access to the fastest regulatory process?

#### **4.0 OVERVIEW OF HMS ACTIONS**

**Margo Schulze-Haugen, Chief, HMS Management Division, presented the current actions and their status within the Division since the last AP meeting in October of 2007. This presentation also included upcoming stock assessment information and an overview of the protected resources and shark dealer workshops. Comments from the AP included:**

- Do we know what caused the overharvest of sharks?
- NMFS mentioned Florida has already put in a request for disaster relief. I thought that was going to be automatic in the Amendment. Do the states need to request it? An Amendment should be the method of moving forward on buybacks and disaster relief.
- Why the change in bluefin tuna (BFT) retention limit from 3 fish to 1 fish or to 2 fish?
- It is amazing to me that BFT are counted quick enough that the bag limit is cut back when the BFT are in our area.
- Is NMFS looking to authorize the use of harpoons on charter/headboats (CHB) because the AP seemed to be in support? I thought it would need to go for public comment?
- I want to find money for a harpoon on the back of my boat.
- When you have a CHB permit, the first fish per day determines if the Angling or General Category retention limits apply? Bluefin tuna on harpoon would apply to the General Category? It was once thought that it would be a simple issue; there are a lot of people with very strong opinions about this.
- On issues still pending, will we have time to rank those issues that are still outstanding to see if some should rise to the top of list? Changing retention limits should be moved up.
- For swordfish, you are reviewing the possibility of authorizing chartering permits to allow foreign countries to catch our swordfish quota. At the same time, you are considering reducing the CHB retention limit. Is that correct?

## 5.0 ENFORCEMENT UPDATE

**Jeff Radonski and Steve Cambell, NMFS Enforcement (EN) Agents, Meggan Engelke-Ros, General Counsel for Enforcement and Litigation, and Chris German, U.S. Coast Guard (USCG), presented on current HMS and non-HMS enforcement action and overview of enforcement operations. Comments from the AP included:**

- In the area of education, you may want to get to northeast fishing stations and describe the need for HMS permits. A lot of people do not know they need the Angling Category permit.
- Most tournament and professional shark fishermen know that an HMS Angling Category permit is required; other anglers do not know.
- Regarding the issue of pelagic longline (PLL) vessels trimming tails off tunas, most boats trim the tail because of lack of space. Fishermen keep some for tail rope and also to get a fork length measurement. Maybe we need to say trimming is allowed as long as the fork is there.
- On the Mexican launch, at ICCAT we gave Mexico a BFT quota but Mexico needs to fish that quota outside the Gulf of Mexico (GOM). Has USCG seen any increase in Mexican activity in BFT grounds because we are aware of a shift in hot spots of BFT in GOM.
- The USCG has observed Mexican fishing operations in GOM that might involve BFT. It is hard for us to understand where the fish would be taken from.
- You cited 5 cases of live bait violations in GOM. Is this frequent per boarding in the GOM?
- USCG is considering taking away the stability permits if the vessel does not weld shut the holes for live bait wells. This does not seem to be an appropriate solution. It seems extreme.
- The AP and ICCAT advisory committee (IAC) have spent time looking at shark finning. It is very frustrating for all of us to not solve this dilemma. Fishermen are trying to comply faithfully but sometimes come back with an amount of shark fins greater than 5 percent fin to carcass ratio. We have asked HMS Management Division to plead to enforcement that, until it is fixed, have enforcement ticket only gross overages. The solution is complex and requires amending Magnuson.
- A lot of us are aware of USCG and Administrative Law Judge (ALJ) Courts and the indiscretions happening there. From NMFS standpoint, can you explain relationship between USCG and enforcement? Has there been any effort on the part of your office to examine this relationship? Is this something we should be worried about?
- Is this an opportunity for fishermen to present evidence prosecuted on older logbooks/dealer reports? The fishermen cannot use evidence since sharks no longer exist. There is legislation in the House of Representatives to prevent that.
- Conservation groups have long agreed that fin to carcass ratios are problematic and we support the fins attached rule.
- What is the Shark Conservation Act of 2008?
- If the rebuttable presumption for shark fishing is removed, how would that affect enforcement?

- I'm not clear on the case against George Townsend and the Trinidad vessel? Where do the charges lie and why is the United States involved?
- Landing sharks with fins attached is similar to the tails on tunas. It is a storage issue, there is not enough space with tails all over the place, this needs to be carefully thought out.
- How many cases were prosecuted under the Shark Finning Prohibition Act?
- There is uniqueness about how we fish for sharks that this bill does not address.
- To leave fins on the sharks is not that easy to do. When you catch a sandbar, you have to clean them differently than you would a mako shark.
- If fishermen have to leave knuckles on the pectoral fins, the meat will suffer and you can not store them on the boat. I do not know how to do it other than removing fins because we used that meat.
- Enforcement can decide what to charge you with and NMFS's own best science created the average when you made up the law. One ICCAT report had fin ratios of up to 9 % and we do not hear about that. Suppose a boat comes to the dock, how can you tell if the fins are on the shark?
- No one talks about the food value of the meat from sharks.
- You cannot sell shark meat until the fins are removed, so in summer the meat will spoil.
- If I buy shark fins from a vessel, put them on my vessel, and go out to sell them in the middle of the ocean, will I be charged with finning?
- I commend you for catching poachers who are finning.
- We usually remove six fins from the shark.
- NMFS should try to catch poachers and get them out of the business, but someone honestly filling out the logbooks should not get in trouble.
- You do not need the upper tail of the shark for enforcement. Why do you need the upper tail when we do not sell it? Especially thresher sharks which has a six foot tail.

## **6.0 FINAL AMENDMENT 2 TO THE CONSOLIDATED HMS FISHERY MANAGEMENT PLAN (FMP)**

**Michael Clark of the HMS Management Division presented Final Amendment 2 to the Consolidated HMS FMP on new shark management measures. Each AP member was provided either a CD or hard copy of the Final Environmental Impact Statement, which included all comments received, management alternatives considered, and analyses. Comments from the AP included:**

- 2010 is the date of the next SEDAR assessment. Will that include an Atlantic blacktip assessment? You have 0 pounds of landings in the early years for blacktip landings, but we started as a blacktip fishery. Dr. Parrack has this data so why do we still have 0 lbs?
- I see a lot of flawed data, mostly as a result of people providing data incorrectly. There is data for sandbar back into the 70s. How do we make sure that data goes into the model? This affects the dusky and sandbar assessments. We need that data on the table and we need the assessment before 2010. Will all of our concerns be addressed in the new assessment? How do we go about getting on the same page so that data can go in the model, so we can show that the selectivity curve is too small, and we are catching adults?
- How long will the quota last, through the year? When you close at 80%, sometimes closures are not always correct. If landings show the quota is at 60% will the fishery re-open?
- The small coastal shark quota and porbeagle quotas are not usually taken, but why are there no regions for those species?
- The comments on fins did not properly express the conservation community's stand and you are doing yourself disservice because fins attached is a growing movement.
- The Ocean Conservancy generally supported and appreciates the attention to sharks. Also, we appreciated that NMFS called interested parties and took time to discuss changes.
- I am deeply dismayed at the porbeagle change. Has NMFS considered endangered status by International Union for Conservation of Nature? Porbeagles need stronger protection.
- The Ocean Conservancy is also generally pleased that sandbar catch will be dramatically cut. We hope that it is enough and that the research fishery works and yields valuable information.
- I am still concerned about other large coastal sharks including blacktip sharks with an unknown status and the conservation record of this group.
- I tentatively support the regions and fins attached, which is the most straightforward and foolproof measure to ban finning. Fins attached should help to improve data collection especially for species identification. This decision also sets up the United States to lead another charge to tighten and approve finning bans across the world.
- Should states follow the prohibited species for collections in exempt fishing permits (EFPs)?
- I need clarification on sandbar research fishery. I think collections need to be spread over space and time. Page D50 comment 6 addresses that but I did not understand how quotas and retention limits would help spread it out.

- I commend NMFS for substantive changes in the amendment. I have been watching this since the 1980s and it's apparent we have not been winning the battle. The changes are definitely needed. What are the percent reductions that are going to go into place?
- If quotas are filled, you might have greater pressure on the other species.
- I like the idea of the research fishery and the scientific board. Will the scientific board coordinate activities with non-NMFS entities such as the shark consortium and observer coverage?
- What is the percentage of observer coverage outside the research fishery and what level will be on the gillnet fishery?
- Regarding the sandbar research fishery, NMFS should just rent a boat and fish themselves.
- How will the shark research fishery work?
- How much of this quota is going to be taken up by states?
- The remaining 20% could be swallowed up after a closure with state landings.
- The document states that the economic impact is severe but it seems like conservation groups will not stop short of ultimate destruction. Allowing the retention of porbeagle sharks is a step in the right direction.
- Leaving the shark fins on will not work for fishermen. Dressing sharks at sea and removing fins is not finning. There appears to be a merging of the two and NMFS needs to look at the fin requirement with hazards to the product. The agency should make sure it will not be a liability issue for bad products. Just for simplifying enforcement should not be a driving factor.
- The sandbar shark recovery plan shows that there is obviously a problem with sandbar sharks. In the northeast, it used to be a summer fishery in Montauk, New York. We do not have that fishery any more up there. If you are going to have a sandbar research fishery only in areas where it is economically correct, you will not be doing proper research and will not figure out the issue in northeast. Some of the vessels need to do research in the northeast. The cost of fuel in Montauk is \$5/gallon for diesel, and we would like to see the shark fishery come back into the area for charter/headboats.
- I support the decision on porbeagle sharks for the recreational fishery. Porbeagles are one of the few sharks in New England with not a lot caught, but one of the few places in the world where you can catch them. It is impossible to identify between a porbeagle and a mako.
- We had a prohibited list for recreational, and now we have an authorized list. Are all sharks presumed to be prohibited unless they are authorized?

## **7.0 MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT REAUTHORIZATION ACT (MSRA) UPDATE**

**Laura Cimo, of the Office of International Affairs, presented an overview of the MSRA. This presentation included U.S. actions required by the MSRA, illegal, unreported, and unregulated (IUU) fishing activities, and the current status of implementation of MSRA. Jennifer Ise, Office of Sustainable Fisheries, presented on annual catch limits (ACLs), Limited Access Permit Programs (LAPP), and National Standard 1 of the MSRA. Comments from the AP included:**

- Could NMFS send a copy of this presentation to all Councils? This is best package I have seen on where we are going and what we are doing.
- When will we see the presentation publicly?
- It would be helpful if we could have these presentations in electronic version on the HMS website.
- I am seeing a lot of new terms. Which term corresponds to optimum yield?
- With respect to optimum yield and how it is set, it seems like you want to have a buffer below that. How can you achieve optimum yield when you have a buffer?
- Is using a buffer a discrepancy/conflict for achieving the optimum yield? Regarding the exemption for data poor stocks how does that square with best available science? Most agree that a lot of stocks are data poor.
- NMFS scientists do not assess stocks. It is done internationally, so how does it fall under 2011 deadlines, or are they exempt?
- On new guidance requirements, if the Scientific and Statistical Committee (SSC) gives an Acceptable Biological Catch (ABC) range rather than point, where would the ACL fall within the range of ACL and Total Allowable Catch (TAC) in this case?
- LAPPs were brought up and trying to get fishermen to buy into a program when it is questionable is difficult. For example, what is fair and equitable all relies on the ACLs.
- LAPPs at this time have almost zero interest in industry because they cannot show where they've worked effectively or give examples on how they could work effectively.
- There is a lot of interest in my industry at separating the sectors. Summer flounder is a poster child of this.
- Will international exemptions occur?
- In the Pacific, HMS are managed by Regional Fishery Management Councils.
- Thank you for bringing up past performance, it is important.
- The marine recreational information program (MRIP) is supposed to be developed at the beginning of 2009 but we will not see anything come out of that for several years. I do not see how it will help us accomplish the goals in the MSRA. We need definitions so we know what it is we are trying to accomplish.
- Annual catch limits are commercial or recreational also?
- Monitoring capacity has always been a problem with us but I would like to see more detail on how to monitor the recreational fishery.
- Speeding up the process is one of the most important things to do. NMFS should secure funds for MRIP sooner than it is happening.

## 8.0 PELAGIC LONGLINE (PLL) RESEARCH & FISHERY UPDATE

**Chris Rilling of the HMS Management Division presented on the PLL research being conducted in the closed areas along with other fishery updates related to the PLL fishery. Comments from the AP included:**

- What data has been gathered already, including any PSAT tagging? Will data be available on bycatch soon? What has been the condition of bycatch caught under the EFP?
- It looks like we are going to have a hard time getting the number of sets we want. Will you increase the number of sets later on? If so, will that create problems with temporal/spatial sampling?
- Do you have enough observers? It seems that some of the sets were not made by some of these vessels because you do not have enough observers.
- Could we have quarterly updates of catch and bycatch inside and outside the closed areas and in comparison to what the EFP actually predicted?
- I am interested in seeing the data, but I am worried about the quality control and people building up steam over something that is wrong.
- My number one point is the standard of comparison once everything is done.
- Access to those grounds is a critical need. You see on the map what is there and what is not there. Just because you have an open area does not mean you have fishing grounds.
- The standard of comparison must include pre-closure percentages. NMFS should not be comparing data from last year when the areas were closed because you will have a large increase in bycatch rates.
- Do not raise the bar higher than it needs to be. We need access to these grounds or we will lose our fisheries, and once they are gone, they are gone.
- Dave Kerstetter is at observer school right now, after the EFP has been issued. This is poor planning on NMFS part.
- It seems to me that you need to have sets made inside and outside the closed areas at the same time. Is this being done? I know during one trip the vessel started fishing in the closed zone, and then started fishing outside of the closed area because of poor fishing.
- One of the vessels in the experiment has requested an observer for three trips and was not able to get an observer, though some boats can always get an observer. That is not fair for some boats to not get an equal share of observers.
- How many observers are in the Gulf right now? We have an EFP that I think would have priority.
- If we do not get the sets done, will you prolong the EFP more than one year? It seems like the Blue Water's proposal with 13 boats would have been better. Do you see the observer program situation being rectified?
- I am glad to see that there is interest in the ongoing research. It seems there is disappointment that the data is not coming in.
- Maybe if you took in the Blue Water's proposal with 13 boats we could have gotten the sets done and had more data. Your comparison needs to be pre-1999 when closed areas were open. With circle hooks and safe handling tools, you can clean up the fishery and

compare it to when we didn't have these methods. When NMFS gets the logbook reports, will you see the description of condition of the bycatch?

- As an AP member, it is critical that we hear about bycatch and targeted species and have it available at the ACCSP meeting.
- Has anyone looked into investing money into real-time video instead of observers? In New Orleans in 1997, we talked about using tracking gear that is out there and applying it to the commercial fleet. Real-time video may be an alternate method to the observer programs. We need something that will give us a real-time picture because there will never be enough observers.
- Maybe with the critical shortage of observers we should look at court-mandated community service folks.
- Certainly assessing the data before you release it is important and we will have Dr. Goodyear look over the data also.
- Bycatch and target catch has changed. Swordfish numbers have gone up and white marlin numbers have gone down. Thus, when comparing bycatch rates, NMFS should consider this implication. We need to consider today's numbers not just pre-1999.
- The closed area experiment is multi-fold. You need to have a baseline to test whether or not the new fishing practices are effective. Sea turtle numbers seem to be increasing, so that needs to be considered as well. You need to compare how many sea turtles are being caught in comparison to what was caught in the past.
- The only thing left off this presentation is Charlie Bergmann's research on weak circle hooks in the GOM. NMFS is looking for the "perfect" hook to catch yellowfin tuna (YFT) but let BFT in spawning grounds off the hook. I think that this research deserves as much attention as what is being done in the Charleston Bump.
- Regarding the GOM weak hook research, are you documenting marlin bycatch in that research? Marlin bycatch is highest in the GOM by U.S. vessels, more than anywhere else they fish in the EEZ. Is there documentation being done on bycatch species and post-release mortality on those species? Do they record the condition of bycatch?
- I was reading a scientist's response, and she said the numbers of sea turtles are expected to increase. In terms of the GOM research going on right now, the vessels are independent contractors at the Agency's direction. The Agency directs what is going on and the researchers want to have maximum data flow. The experiment was not designed to test for blue marlin. Maybe The Billfish Foundation can provide funding for that study.
- The break away hook study has merit and we are interested, but just because a BFT could break away from the hook, may not mean post-release mortality will not occur. This should not be ignored.
- There are plenty of smart people in the room. I did not know about Charlie's research, but a BFT will break a hook in its initial hit and it will not hang on a hook for a ½ hour. It will just break a hook in its initial run.
- I have a comment on live bait. You have to remember that most of these fishermen are not native English speakers. In Louisiana we have to notify fishermen in French. Has NMFS considered that?
- I want to mention a possible new uprising fishery in the GOM. Many fisheries are shut down in the GOM and they need to get money, a few boats are doing it and it may or may not explode. A few of commercial boats are going to the up current side of an oil rig and

they take few torpedo floats and a few feet of line, live bait, and circle hooks. Then let the floats drift through the rig. If they catch a marlin, they just let it go because it is not worth any money. There is no attempt to release billfish because there are too many floats to tend to. It is being done and it is not illegal because it is not a longline.

## 9.0 TUNA LONGLINE PERMIT/WORKSHOP PROPOSED RULE PRESENTATION

**Rick A. Pearson and Brad McHale of the HMS Management Division presented a proposed rule modifying the renewal limitations of limited access tuna longline permits and changes to the shark dealer workshop requirements. Comments from the AP included:**

- Are shark dealer permits issued to individuals or entities?
- We are just now finding out that 40 longliners did not have the correct permits? Some of us had to pay a lot for our permits. Are these longliners selling their permits or are they fishing with them? This rule would allow people who did not follow the law before to obtain an Atlantic tunas longline permit. This longline permit was established eight or nine years ago. Now, in 2007, NMFS is just finding out that 40 boats did not play by the rules.
- No tonnage is being caught by these latent tuna permits. Meanwhile, someone will be selling the tuna longline permit for economic benefit, while others had to play by the rules. NMFS should put an honest face on this issue. In Boston, you have had tons of phone calls on this issue. This is just a way to sell your permit.
- If I have an incidental swordfish and shark permit, is NMFS going to give me a tuna longline permit? NMFS should be more forthright about why the agency is doing this. This will just allow people to sell their permit to the highest bidder.
- If fishermen sold the vessel, would they not be able to renew their permit?
- The proposed rule would reward 40 privileged individuals. Those 40 individuals are not fishing. They parked their permits, and now they can renew their permit. Anyone who owns a permit knows that folks are looking to buy permits. I thought we were going to get rid of No Vessel IDs. Why did NMFS not do this? We know one permit got moved out of Florida for \$45,000. If we are going to reward these 40 individuals, then there should be a sunset clause which specifies that if you are not going to use the permit, then you should lose the permit.
- You will not catch the quota if you have folks with permits not using them. We need to look at why we are rewarding these 40 individuals. The vast majority of these permits have to do with money. If you move some of these permits, they are going to move into the buoy gear fishery in South Florida. This will not put a lot of tonnage on the board for ICCAT.
- I say this proposed rule is a “no brainer.” If you have people that cannot contribute because they cannot fish, they should get their permits. We need boats on the water fishing and we need permits to be able to do that. I say this is the first step towards catching the U.S. quota.
- Is this the entire extent of the permit revision that NMFS is proposing? We were asking to allow lapsed swordfish, shark, and tuna permits to be reinstated. We need boats on the water out there to catch fish, and folks have lost permits due to attrition and some people got confused. Is this the extent of NMFS’ revisions to deal with the entire issue? Frankly, the tuna longline permit was a sleight of hand. I did not even know that NMFS was implementing a limited access tuna longline permit, because NMFS changed the incidental permit to a limited access permit in the 1999 FMP. Does NMFS have plans to reinstate other lapsed permits?

- I do recall that the industry asked for a tuna permit to limit discards. We did not want folks with one permit throwing away tuna, sharks, or swordfish. The name change happened in that rule, but they were not limited access before the rule. That was the difference beside the change in the name and making them limited access. I am glad to hear that this is not where NMFS will end regarding permits.
- Will reissuing the 40 permits create the balance that NMFS is looking for or will NMFS need to have more permits issued? How many permit “trifectas” are out there now that are inactive?
- Why not implement “use or lose it” and then put the permits back in the system to be reissued? How many permits are out there and how many are landing fish?
- Would it not be fair to say that 200 boats are inactive? It seems to me that there are enough HMS permits out there now.
- How many shark and swordfish boats are looking for tuna longline permits? Does this open the door to NMFS issuing more swordfish and shark permits?
- If NMFS would look at the number of permits issued and the number of vessels reporting landings, those numbers do not match. There are enough permits out there now. NMFS needs to make permit holders “use it or lose it.”
- NMFS needs to fix the system so that folks that want to buy boats can get a permit. If you allow these people to transfer permits, then it seems ridiculous. If fishermen want to show some economic investment like building a boat they should be issued a permit.
- Did you establish a specific time frame for those 40 vessels, like how many of them fished within a certain amount of time? If they did not fish in that time, then they are done. If they screwed up, then they can get a new permit. Otherwise, it opens a Pandora’s Box.
- I think some AP members have this backwards, because these 40 vessels are not privileged. They were put out of the fishery. They lost more than the worth of the permit. We are supposedly an ecosystem friendly fishery, but you do not want to be one of the privileged few. There is no good permit “trifecta” now and I would not take bets on how good the Southern fishery will be for too much longer.
- Why were the tuna longline permits not provided with a “no vessel” status? Was there a charge for the renewal of the swordfish and shark permit over time? If there is, then the way the charges were set shows your support for these types of fisheries.
- I hear two things, but from nowhere do I see any proponent for the inclusion of these 40 boats. So, this issue must be political. If you have 40 boats that need to get back into the tuna fishery, why don’t you just mandate that they have to have a boat to be re-instated? That would validate what some AP members are complaining about. That would also keep permits from being sold from one area to another area.
- If you want to get back in the fishery, then you need to have a boat. I still have permits for sea bass that I have not fished with for 30 years, but I would not give it away for anything. If it is a morality issue and those 40 vessel owners want to fish, they have to show they have a boat to fish with. It would negate the issue of selling their permits to other regions.
- There are a number of reasons that people messed up and did not get their permits. None of us know the reason why those 40 vessels do not have their permits. There is no reason to have those permits being latent effort because we need them out fishing. I would

really like to see those 40 tuna permits go back to the shark and swordfish permit holders so that we can get back to landing product.

- Some people are laid up due to illness, maintenance, etc. so we do not want the permits linked to a boat, because boats sink and could be taken out of service. You need to be able to keep those permits separate from vessels so that they can be used.
- Some of those 40 permits may be destined for the buoy gear fishery, but we are also going to talk about leasing and chartering, so those permits might be able to be used on the high seas.
- Sometimes when I listen to the perspective of the recreational side, I see that they have the fishery they want all to themselves. The U.S. quota is going to shrink and the recreational fishermen think that it is someone else's problem, but management is more complex than that.
- When the U.S. quota goes down, it will hurt the recreational fishermen by reducing the incidental category. The pain will be shared by all users and there will be proportional reductions in all sectors.
- I have a question about the location issue for the shark dealers. Does this rule substantially change the regulatory section which specifies that dealers cannot sell from a closed region to an open region? If you are on the East coast and it closes for non-sandbar LCS, but you send your truck to the west coast is it illegal for those trucks to go and purchase in an open region?
- For the workshops, the shark ID workshop deals with logs, second dorsal, and anal fins. It would behoove NMFS to allow the person doing the workshops to have access to prohibited species and different life history stages so that the dealers can have good identification skills.

## 10.0 PERMIT REFORM PRESENTATION

**Brad McHale of the HMS Management Division presented on the subject of permit reform. An overview of permit history, limited access implementation, and objectives of the agency were included in the presentation. After this presentation, breakout groups including AP members and NMFS staff met to brainstorm ideas for revamping HMS permits.**

**Comments from the AP included:**

- With regard to the compliance guide, is that still sent to permit holders when they renew permits or is that discontinued? In short, by sending it to the permit holders, you give them the most current regulations to date. Assuming they are computer literate may be a problem.
- A large part of those new 35,000 permits are mainly the HMS Angling permit. I am more concerned about the commercial sector receiving the compliance guide. There may be a way to make it more economical, but I want to look out for the commercial and charter/headboat guys.
- What is the method of mailing for the renewal process? Is it certified?

### 10.1 PERMIT REFORM BREAKOUT SESSION COMMENTS FROM THE AP

*Each group was asked to consider the following questions: 1) Are there other options and/or issues that were not included that should be addressed? 2) What is the scope that the HMS Management Division should consider?-all species or some?-all permits or some? 3) Should the HMS Management Division address all issues in one rule?-Limited access took from 1995-1999.-This would allow for an overall approach. 4)Should the HMS Management Division address one or two issues at a time?-Each rule could take up to a year to complete depending on issues.-What is the priority of the different issues?-What issues could be combined into one rule?*

#### *Group 1*

- Simplify permit renewal in a central location and reduce confusion
- Need to link permits with an individual/corporation
- Need a way to catch the available swordfish quota: Could use hardship rules and a “use or lose” clause to permits (12 or 18 months), and use gear conversions in the swordfish fishery to convert some permits to handgear.
- Create a limited number of additional permits
- Create provisional permits - would help take economic pressure off the 40 boats and it is up to managers to manage quota and number of provision permits
- NMFS needs to simplify the reporting system

#### *Group 2*

- Permit standardization-issued by gear type (keeping limited access and incidental concepts), by target species, bycatch types, or three categories commercial, for-hire, and recreational.
- Need a centralized permit issuing center

- Use the permitting process to eliminate latent effort in fisheries

### *Group 3*

- Save our swordfish quota-impediments in place to the high seas fishery: remaining gross registered tonnage (GRT) upgrading restrictions, need to raise the GRT more, vessels do not have fresh/frozen capabilities, and there is a need for greater capacity to compete on the international stage while ensuring that our fishery is not over capitalized
- Need to address GRT upgrade restrictions
- Harmonize permit renewal dates
- All HMS permits should be issued from one central location
- Domestic leasing of trifecta permits necessary to fish PLL for swordfish and tuna
- Should be administered by NMFS (similar to groundfish fishing days in the northeast)
- Chartering permits allowing foreign vessels to land U.S. quota

### *Group 4*

- Simplify the whole permit process: have one issuing office, one renewal date, and one permit with check boxes for species or gear types.
- Make the new tuna longline permits (40 boats) with a no sale provision
- Increase the amount of swordfish that can be kept by squid trawlers to 30
- The HMS Management Division should have a permit review every 1-2 years including number of permits by state, type of permits, active participants in different fisheries, and stock status updates

### *Group 5*

- Centralize permits: issued from one location, one common renewal date, permitting information needs to be conveyed to all permit holders, have one permit for all HMS that transcends species and states, need to consolidate correspondence with permits, and have close to real time turn around for permit issuance.
- Need to have a plan to transition from rebuilding phase of stocks (limited access) to when stocks are rebuilt.
- Need to establish a limited chartering agreement with a short timeframe
- Balance the effort in the fishery with the available quota to prevent overcapitalization
- Need something economically viable so people will use their permits
- Implement a use or lose provision for limited access permits
- Ease into upping capacity so problem does not repeat itself

### *Group 6*

- Must deal with latent effort in the swordfish fishery
- Need a reserve category so that people active in the fishery do not have to compete with inactive permit holders

- Need to match landings with the available quota and have endorsements for certain species.
- Swordfish fishery should match the number of participants to the stock.
- In favor of centralized permits idea
- Difference in talking about swordfish and sharks; shark is mixed fishery with rebuilt species and overfished/overfishing species, and most are unknown. We don't want to ratchet the sharks out of the fishery while trying to ratchet up the swordfish fishery. Want to ratchet down the shark fishery to the original directed fleet.

## 10.2 *PERMIT REFORM REPORT BACK GROUP DISCUSSION*

- While easing into upping capacity is completely rational, we do not have that time with swordfish. We should open it up and then step back for awhile to see where we are.
- You have approximately 300 boats that could be licensed for the trifecta, but only 60 are fishing and 40 need permits, so there are 100 boats that could be back in the fishery. Why are they not coming back and how do we get those 100 boats back?
- If it is not profitable, then it will not happen. There are really 200 permits out there that are not being used. If we need a distant water fishery, then we need to change the fishing pattern. We will need a freezer type of fishery. You need to get regulations out of the way like modification of the boundaries, remove GRT restrictions, etc.
- Until those guys see swordfish coming back to the dock with numbers that reflect a rebuilt stock, people will not fish for swordfish. We do not want to lose any swordfish quota to any nation. How can others catch swordfish profitably but we can not? May be someone can answer that for me.
- I do not have an answer, but one of the other issues is fishermen will not contemplate getting into a fishery if they know we will lose quota. If I were going to buy or build a boat, I would want to make sure there is quota to catch.
- Tomorrow is the issue of green-stick gear because we see it as a way to remove billfish bycatch from longlining in the tuna fishery but not in the swordfish fishery. If you are going to expand permits even in the tuna fishery, we need to think of ways to reduce bycatch.
- If anyone was at ICCAT during the last two years, you would have heard Bill Hogarth publicly state that NMFS went too far in killing this fishery. You need to let the survivors come back and benefit. Then we can let newcomers in. What I am going to hear from the old guys is "what will chartering do for me?"
- Market stability is the biggest reason. You have a fishery that is thriving, but no one wants to do it. We are allowing fish to come in from other countries, but we could stop imports into this country. Fishermen need stable markets to go fishing and if the market is not stable, then fishermen will not fish.
- The import problem makes sense. To make the quota more profitable, we should stop imports. An incentive could be to stop imports. This is too little too late. We will lose our quota. You are playing around with permits, and it will not put anymore poundage towards our quota.
- Swordfish prices are the same as they were 10 years ago. We have talked about marketing and import problems. The industry needs to figure out how to market day

caught fish. We need NMFS's help with this because the industry can not grab that ball and run with it.

- What are the problems with chartering so that we can get extra poundage?
- A portion of the money for commercial licensing in the state of Florida is earmarked for seafood marketing. NMFS may not be the only agency to look at for marketing.

## **11.0 INTERNATIONAL TRADE PERMIT PROPOSED RULE PRESENTATION**

**Dianne Stephan of the HMS Management Division presented a proposed rule changing provisions to the international trade permit program (ITP). Adjustments to the ITP program included various permitting, reporting, and regulatory structure issues. Comments from the AP included:**

- Should electronic reporting from port of entry occur? I am confused, so I will have to talk about this with you. I am not sure how this works and if it has practical implications for me.
- Why are there no reporting requirements for shark fin traders and just permitting?
- Is the permit just for importers and exporters?
- How far back in the past will they have to give up records? What is considered current information?
- There are a large number of people that would have to be permitted. The Atlantic and GOM sharks have only a dozen or so people in the primary network. How long do you think it will take to require reporting?
- There are too many confusing new acronyms. What is HTS?
- You will have a specific public hearing on the West Coast, right? Why do you not have Mexican or northern Pacific BFT dealers included for hearings?
- All re-exports will be required to have a re-export permit, but Canada is exempted?
- U.S. dealers must report their catch of untagged fish imported into the U.S. to ICCAT as well as to the country that it is being exported to, right?
- Did this come out in the Federal Register? The comment period ends May 5? I would have more hearings and extend the comment period.
- Why are you forcing the U.S. dealers to report?
- With some species of sharks being so seriously overfished, it seems more logical for the Agency to require traders to have permits.

## **12.0 CARIBBEAN AMENDMENT PRESENTATION & GROUP DISCUSSION**

**Greg Fairclough of the HMS Management Division presented on issues occurring in the Caribbean region regarding HMS fisheries. The presentation included information on unique characteristics of the Caribbean fishery, known problems in the fishery, and possible options for inclusion in an amendment. Comments from the AP include:**

- A cautionary note, we know that the fish aggregating device (FADs) fishing in the Pacific results in juvenile billfish being taken. In the Dominican Republic they are selling marlins that are caught on the FADs. Are marlins being caught in PR and the Caribbean and how do we control this?
- What is the situation with enforcement in those regions? Who has jurisdiction and how might the regulations be enforced?
- Is this just for the Caribbean around Puerto Rico and the U.S. Virgin Islands? There are some mainland boats that fish down around there, but I understand that mainland boats cannot fish within a certain range of Puerto Rico. I do not know if that is true of the U.S. Virgin Islands. Could this impact the mainland boats as well as the artisanal fisheries? We need some way of incorporating all the issues you raised into the rulemaking. Also, we need to make sure the mainland boats are included so that they can continue as they have operated in the past.
- If the Division of Fish and Wildlife is going to put 24 FADS off U.S. Virgin Islands, I would like to see them off the East Coast of United States too.
- You mentioned 60,000 recreational vessels off Puerto Rico? Do any of those double as commercial boats or charter boats? Do most of the small boats work in the territorial waters?
- Sharks are a fairly significant part of the artisanal fishery. Will you give them a separate quota for sharks?
- Are you tying in the Marine Recreational Fishery Statistics survey program and the characterization of the Caribbean fishery that is already present?
- There are only two permitted dealers? Is that because they are not reporting the catch or is there not enough product?
- How many FADs are there in St. Croix and how many are planned for the future? Some of those areas are billfish spawning areas, and spawning adult bycatch is a problem there. Growing numbers off FADs could become a serious bycatch problem.
- The growing number of FADs in the Caribbean is gaining notoriety. Some of the boats from Peru know there are FADS there.
- Enforcement in the Caribbean region needs to be beefed up.
- How confident are you of the landings numbers that you have? Where do you get those numbers?

### 13.0 TUNA FISHERY UPDATE

**Mark Murray-Brown and Sarah McLaughlin of the HMS Management Division presented on current trends in the Atlantic BFT fishery. The presentation included a summary of landings and trade activity, different management tools for BFT, and possible reasons for the decline seen with BFT. Comments from the AP included:**

- I assume like swordfish quota, we will lose BFT quota if we do not use it?
- Why are we still closed 4 months out of the year if we are not catching our quota? Off of Cape Hatteras this year, from mid-March through April, I saw thousands of 50-60 inch fish coming through. NMFS needs to figure out a way to utilize our quota during the months of February to May.
- The participation by permits indicates the number of permits. How are you picking up on effort, because the amount of permits is not indicative of effort? Is there a follow up on effort planed? A lot of boats may have a permit, but they may not be using it.
- Are we seeing a cohort move through the fishery or are we seeing multiple years? Can NMFS provide the graphs on the BFT trends by decade (from Frometin paper)?
- We are trying to meet the quota so that we do not lose it, but restrictions are holding down the harvest. Can we lift some of those restrictions?
- NMFS should look at every single regulation to see if it is hindering the catch of BFT.
- Looking at the size distribution of the landings and then trying to infer size class strength, while emphasizing the migratory nature of the fish at the same time is sending a confusing message. Age classes may be missing because those age classes are somewhere else. In New England, the lack of small fish does not necessarily indicate that there are no small fish. It may be because of the regulations that the fishermen are targeting the bigger fish instead of smaller fish.
- NMFS also needs to look at the local fishery carefully. Catch data does not necessarily reflect stock status, but rather it is just fish availability information. Prior to 1996, the fishery was worth a lot more. Tunisia today probably has 140 pieces of wild BFT on the market, and the largest pieces are a 39 kilogram fish and the smallest is a 29 kilogram fish.
- The Mediterranean has run out of giants and even fish coming out of the farms are smaller. We are not getting large fish from the Mediterranean market.
- I have been working with Ron Salz/NMFS, NY, NJ, VA, MD, and Sea Grant to look at lengths and weights for the fish below 73 inches, and we have asked for a no-cost extension to the length/weight study. Much of what was used to do the conversion factor is based on big fish from long ago. This needs to be adjusted given the changes in the stock to make sure the conversions are accurate. In the early part of the study, we did not have folks from MA and ME involved, and now I am making a plea to get additional samples for lengths, weights, and girth to do a thorough analysis. We hope to have more samples from NY and to have data to present at the fall AP meeting.
- The number of permits including the Angling Category permit is for all HMS permits right? Many of the folks by me are shark fishermen, not tuna fishermen. There are a lot more shark guys out there that do not have an Angling permit. NMFS outreach has improved, but people still need to know that they need permits for targeting any HMS.
- Is there a scientific dispersal hypothesis for these school fish?

- School fish are approximately one year old. Maturation of this fish is about 7 years. If larger fish are being harvested to the point where giants are not around anymore, is the breeding stock gone?
- You are hitting the middle aged fish because the large fish are not around. If you do not have mature fish, then you are not going to have 1-2 year old fish in a few years. If the size of fish in the Mediterranean is also declining, then there is an issue there too. The bigger fish are just not around.
- Is the conversion factor 1.35 to convert from dressed length to whole length (vs. a different factor for dressed weight to whole weight)? (HMS staff indicated that the footnote would be clarified to read 1.35 x pectoral fin curved fork length equals the total fork length. When converting dressed weight to whole weight, one should multiply by 1.25)
- Regarding the landings by area based on LPS, how many dockside intercepts occurred? I know there is large variability in dockside intercepts, which will affect what you see and what you interpret. If you have a poor year for intercepts, then the data will show it. The number of dockside intercepts is not in the SAFE report while the rest of the raw data is. NMFS needs to include dockside intercepts in the annual SAFE report.
- A bulge in landings could be a bulge in dockside intercepts. On the recreational landings by area slide, is that showing the landings based on the expansion or is it raw numbers?
- NMFS should revise the current restrictions on longliners. Given the limited number of boats fishing, we need to relieve those target catch limits to be able to harvest more BFT quota.
- NMFS should double the pelagic longline incidental retention limit for a year as a pilot project.
- If you find areas that can be relaxed to allow the quota to be caught, NMFS should look into that. We now have the empirical data to prove what the fishermen have been saying. I think commercial effort has also declined. NMFS should look at shifting distributions of fish also.
- It is time to look at recreational size limits. I think they should be increased to let the fish spawn.
- I want to make a point regarding protecting our quota versus what is really out there. From year to year, the BFT bag limits have changed. If you have changes in management, then what you see in landings is reflective of that management.
- Can you estimate what is really out there versus what is being caught? Is there fishery independent data available? People are saying that we see a lot of fish but we cannot catch them, and they want to be able to catch more of the quota.
- We changed the percent of small fish that we can catch at ICCAT (8%-10%). Can we change that again? Can we ask for more fish in that school and small/medium category at ICCAT?
- I agree that the United States is much more likely to treat a quota in a conservation-minded way compared to other nations, and we do not want to lose our quota either. At the same time we should not throw out all the regulations to catch more quota.
- We have seen several bad signs regarding the BFT the stock; average size is down, landings are down, larvae in the Gulf are not being found at the same levels, and the number of large fish is down. These are all indicators that something is going wrong; we should take a precautionary approach.

- Who needs to start the catch documentation process, who fills out the form? (HMS staff indicated vessel or farm). Does it get reported each time the fish is received (e.g., when re-exported)? (HMS staff indicated yes, new form attached for each time re-exported).
- How difficult would it be to separate the number of reported landings, and determine the average number of BFT fishermen that are landing fish, to come up with an average number of fish caught per fishermen? This would give us a truer picture of effort. This may give us a better idea of what the catch limit should be.
- Somehow we need to increase the number of retained fish. What tool do you need to be able to respond more quickly? What can you do for a change in management that requires a limited amount of time? Is there something else we can suggest to help NMFS?
- Regarding movement patterns of small fish, it is important to determine what landings data mean to determine abundance vs. catchability. Not much is known because collection of tagging data has just started for these smaller fish. What we do know is that small BFT are patchily distributed.
- Missing year classes may mean that fish are not available at a certain time. On the flip side, when you do see good year classes, that could also be due to patchy distributions of fish and not be indicative of conditions everywhere. A good year class in the West does not mean they will recruit into a western spawning cohort and those good age classes could be from the eastern stock. Good cohorts can be influenced by the eastern stock.
- In terms of trying to catch our quota, one of the problems with the way the quota is now, is that the quota for the western stock has been a rebuilding quota for the last 20 years.
- If you overestimate something for 20 years and do not get it right, then there is probably something wrong with the model. The model most likely underestimates the amount of mixing and how eastern overfishing affects western stocks. Given the models that ICCAT is currently using and the current stock assessment, if both western and eastern caught their allotted quota, there will not be much of a fishery in 20 years. Going whole hog to catch our quota is not sustainable. We are trying to fix those models.
- Are you saying in another 20 years there will not be much BFT?
- I would say that now we are close to a collapse, and the quotas are not adequate for rebuilding. Things will just get worse if we continue to take the current quota.
- Is it your opinion that the quota they have given us is flawed?
- Regarding the apparent limited number of fish in the 27 to 40 inch range, has NMFS seen a similar phenomenon in other areas? When we see a spike, it might be a good cohort from the eastern BFT stock.
- If you look at central North Atlantic catches, they include eastern BFT. NMFS should increase the incidental retention limit for BFT. If there are shifts in availability, our PLL boats will be able to find it given their distribution. In addition, the drop in effort may inflate what we are seeing in the data for the commercial folks. Fuel is expensive, so the low commercial landings may not be due to the lack of fish.

#### **14.0 GREENSTICK/HARPOON/TURTLE TETHER GEAR PROPOSED RULE PRESENTATION**

**Randy Blankinship of the HMS Management Division presented a proposed rule to authorize the use of new gear for Atlantic tunas and sea turtle handling gear requirements for commercial longline vessels. Comments from the AP include:**

- We have been looking at greenstick to reduce marlin mortality. Fish should be released alive from greensticks, and greensticks could avoid additional closures.
- Greensticks are actively trolled gear with natural bait and J hooks. I am trying to understand similar dynamics with combo rigs in tournaments where you do not allow J hooks. Here you are allowing them to have natural baits and J hooks?
- Anglers in GOM will come unglued due to the inconsistencies between J hooks, circle hooks, natural baits, and natural bait combos. You need to have the comment period through June.
- For the PLL vessels that may opt to use this, will they have to disable their PLL gear in order to have greensticks onboard?
- Once the boat disables its PLL rig, that vessel is no longer a PLL vessel. My concern with this is that since they have a tuna longline permit, you do not constrain PLL boats to deal with the target catch requirements because they are not a longline boat if they disable their PLL gear.
- I do not want PLL boats to be painted in a corner. You may have separate regulations for the gear, but I do not want to see the PLL boats still be constrained by their longline permits.
- What do you do if you have a boat that is not a PLL boat but uses greenstick gear? Will they get different rules? What if they want to fish in the GOM? You will have to modify the rules somehow so that the rules are fair for PLL vessels that use greenstick gear and boats that do not have PLL gear/permit but use greenstick.
- The same applies to the number of J hooks. If you are not a PLL boat, then you should not be constrained by the number of J hooks onboard.
- This rule is not a done deal? For alternative 4, NMFS should go fishing with someone using a greenstick. No one has gone out on a boat that has a greenstick.
- When we go fishing with longlines, greensticks are just another way to catch a tuna. Most of the time BFT fishing is separate from YFT. I want to be able to have my greenstick on my boat at all times to catch BFT and YFT. You should be able to have YFT and a greenstick on your boat.
- Could you bring in a gear expert next time we have a meeting like this?
- But that is the point, if a fisherman goes into a closed area, the BFT catch restrictions still apply even though he is using greenstick gear. If it still applies, you are not giving PLL fishermen a chance to use it.
- Can something be done to fix this? Why should the catch requirements be applied if you do not have longline gear on board?
- Can you go out and fish with greenstick and PLL at the same time? If yes, why should the PLL catch requirements still apply?
- Harpoon authorization-alternative B 2, NMFS should only authorize harpooning for BFT over 73 inches.

- For charter/headboats, they now decide what category they fish under based on first fish caught. What would happen to shore fish? Would shore fish be harpoon caught?
- Alternative B2B is for non hire trips only? Is that general and not harpoon? Is harpoon limited access now?
- Do you allow fishermen to have a General Category and a Longline permit for the same vessel? If not, is there some consideration to allow both types of fishing if you only have one permit?
- I am confused about how you count BFT towards General Category if a fisherman holds a tuna longline permit. Fishermen need to have flexibility in the PLL fishery. I am in favor of having them being able to disable PLL gear and have the flexibility to fish in a different mode.
- It is also a South Atlantic opinion, and I extend this to the harpoon alternative, we think that the sale of recreationally caught fish should not be allowed. Alternative B2A should not be allowed and not preferred.
- Under circle vs. J hooks on greenstick, I thought that there was research showing the conservation benefit of greensticks was at least good if not better without circle hooks. So maybe it is okay to use J hooks on greensticks.
- I talked to the vice president of Northeast Charter Boat Association and they voted against this.
- I support the request to extend the comment period. East Coast tuna will support Alt. 2, and 3, but Alt. 4 clearly has problems because it does not get at what we need.
- The PLL boats should not be limited by the target catch requirements. They should not be limited to incidental bag limits. We need to work on that more.
- Blue Water will comment later on the proposed rule.
- We have been dealing with this issue of greensticks for 5-6 years, and I am glad to see we are going forward. There is a lot of greensticking in my area by both commercial and recreational fishermen.
- A 7/0 hook would cover everybody. I do not think I have ever seen a greensticker using anything but artificial bait.
- I thought that one component of your longline gear had to be removed. With the cost of fuel, fishermen need to have the flexibility to fish without steaming back to port.
- I hope NMFS knows greensticks are not all green.
- To weigh in on the greenstick issue, you might not be able to catch a fish on a rubber squid, but then you can always catch a fish on ballyhoo. It depends on what the fish are biting that day. I would like to see it with artificial bait, but the fishermen need flexibility.
- Is greenstick gear limited to 2 hooks on a General Category vessel? On commercial vessels they are limited to 20 hooks per vessel? I understand the regulations, but hooks come in boxes of 100.
- The recreational fishermen are using greensticks as more of an outrigger. I guess it would fall under the category of a greenstick, but they are typically just trying to catch one fish at a time.
- These regulations affect thousands of individuals and require other fishermen to have what the HMS folks have. Will there be a ramp up time for production?

- NMFS needs to revamp the gear definition for greensticks including retrieved by hand or mechanical means and it should reword to say hooks are jointly retrieved.
- The definition that 3 hooks constitute a longline continues to be a problem. NMFS needs a new definition in there. Three hooks does not make a longline.
- Will greensticks be allowed on charter boats?
- I want to support the J hooks and the combo baits. The big baits do not have the bycatch problem. There is a difference between the bigger bait and smaller baits when you drop back. So, why cannot we use J hooks with large baits outside the greenstick?
- I wanted to comment on data collections. Vessel logbooks need to be there for charter boats.
- The Recreational Fishing Alliance does not support harpoons to be allowed on charter/headboats.
- Is there a distinction between for-hire and non for-hire? If you go forward with harpoons, they should not have it on a for-hire trip. They can have flexibility to make more money on non for-hire trips.
- I am in favor of Alternative B1 (no action) on the harpoon issue.
- I am not qualified to talk about harpooning, but I do not want to see harpoons on charter boats.
- On the harpoon authorization, I do not know how East Coast Tuna will come down on this or the sea turtle gear. I am not familiar with this additional protection, but I did not realize that we still had an issue with protected resources. I thought we are good at reducing interactions.
- The whole proposal for harpoons on charter boats is a bad proposal. I recommend Alternative B1. The proposal will increase the retention and mortality of school and small/medium BFT and could reduce the catch of giant fish.
- In terms of the small fish if you allow the charter boats to go out and attempt to harpoon a giant tuna, there will be a lot of small fish that will be harpooned due to novices. Once you stick them, the fish are dead when you put them on board, and they will apply to Angling Category, or the fishermen will discard them. If you have a situation where charter boats have paying passengers, but if the fish are not eating, passengers are going to ask the captain to harpoon some of the fish. This will add onto the catch of Angling Category fish. This will ultimately reduce the bag limit per day.
- I talked to some of the harpooners, and I think this might hurt some of the General category fishermen.
- Several of the harpooners think this is a bad idea because most of the harpooners use airplanes. If all these charter boats see where the harpooners' airplanes are circling, they will go swamp where the harpooners are fishing.
- The real harpooners will have 1 or 2 days when they can score on fish. They do not need a bunch of novice charter boat captains trying to catch the fish that they are intending to stick. It could reduce the number of giants and large/med caught.
- I assume you are familiar with appendix B1 and the fact that there is not a diagram for the turtle gear in there now. I understand appendix B1 and the pamphlet are being updated.
- I hope you have appendix B1 out before the comment period is over. In appendix B1 there is a mistake in reference to the mesh size on dip nets that also needs to be fixed.

- Amendment 18A is already in place in the Gulf. Amendment 15B is supposed to go final later this fall in the South Atlantic.
- I heard that they are going to call the ninja sticks a turtle grabber. NMFS needs to provide a schematic for these ninja sticks.
- What is the effective date for BLL and PLL boats to have the turtle gear on the boat?